

No. 23-3019

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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JOANN CHASE, *et al.*,

*Plaintiffs – Appellants,*

v.

ANDEAVOR LOGISTICS, L.P., *et al.*,

*Defendants – Appellees,*

On Appeal from the United States District Court  
for the District of North Dakota  
Case No. 1:19-cv-00143-DMT  
Hon. Daniel M. Traynor

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**APPELLANTS' UNOPPOSED FOURTH MOTION TO EXTEND  
TIME TO FILE OPENING BRIEF**

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To the Honorable Court of Appeals:

Appellants' opening brief and appendix are currently due January 5, 2024. Appellants respectfully ask the Court to extend the deadline for filing their opening brief and appendix by **one day** due to an airport bag mix up. Given the weekend, the one-day extension will cause Appellants' opening brief and appendix to be due on **January 8, 2024**. Appellees do not oppose this request.

This is Appellants' fourth extension request. Appellants previously requested additional time in part due to developments in the related case *Tesoro High Plains Pipeline Co. v. United States*, No. 1:21-cv-00090 (D.N.D.). Appellants' motion to intervene in *Tesoro* is one of the issues that the district court ruled on in the decision on appeal here. Over the holiday period, counsel tasked with the *Tesoro* portions of Appellants' brief was away from his office and saved work product on his laptop. On January 2, 2024, counsel returned from the holiday period, but became separated from his laptop due to a mix up at the airport. Counsel has now been reunited with his laptop, but Appellants need an extension of one day to allow co-counsel time to review the final brief before submission.

For these reasons, Appellants respectfully ask for an extension of one day so that their brief and appendix will be due on or before **January 8, 2024**.

Respectfully submitted this 4th day of January 2024.

/s/ Keith M. Harper

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## **CERTIFICATE OF COMPLIANCE**

This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 234 words, excluding those parts of the motion exempted by Fed. R. App. P. 27(a)(2)(B) and Fed. R. App. P. 32(f).

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface of 14 points or more using Microsoft Word 365.

This motion has been scanned for viruses pursuant to Eighth Circuit Local Rule 28A(h)(2) and is virus-free.

s/ Keith M. Harper  
Keith M. Harper

## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system on January 4, 2024.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Keith M. Harper  
Keith M. Harper